

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CHRISTOPHER M. DEVINE, )  
v. )  
STOP & SHOP COMPANIES, )  
Plaintiff, )  
Defendant. )  
Civil Action No. 04-12186-N6

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1, the Plaintiff, Christopher M. Devine ("Plaintiff"), and the Defendant, The Stop & Shop Supermarket Company LLC, hereby submit this Joint Statement Regarding Proposed Pretrial Schedule pursuant to Rule 16.1(D) of the Local Rules of the United States District Court for the District of Massachusetts and the Court's Notice of Scheduling Conference. The parties jointly and respectfully request that the Court approve the following Proposed Pretrial Schedule and Discovery Plan:

## 1. PROPOSED DISCOVERY PLAN

March 31, 2006	Deadline for completion of all fact discovery, including requests for production of documents, interrogatories and fact witness depositions;
April 28, 2006	Deadline for disclosure of expert(s) and production of expert report(s);
May 31, 2006	Deadline for disclosure of rebuttal expert(s) and production of rebuttal expert report(s);
July 28, 2006	Deadline for completion of expert discovery, including without limitation, deposition(s) of expert(s) and independent medical examination(s).

**2. PROPOSED SCHEDULE FOR FILING MOTIONS**

August 30, 2006      Deadline for filing dispositive motions, if either party determines that such a motion is appropriate; and any opposition thereto shall be due within 30 days of filing of said dispositive motion.

The parties further reserve their rights to request leave of this Court to submit reply briefs and/or surreply briefs.

**3. MODIFICATION OF SCHEDULED DATES**

The parties submit that they will be ready for a Pre-Trial Conference in this action within 45 days of the date of a final ruling by the Court on any dispositive motion.

All dates, other than any trial date, may be modified subject to written agreement of the parties and approval by the Court, or upon motion to the Court for good cause.

**4. TRIAL BY A MAGISTRATE JUDGE**

At the present time, the parties would consent to trial of this action by a Magistrate Judge.

**5. SETTLEMENT**

The parties have not discussed settlement as of this date. Defendant has not received a written settlement demand from Plaintiff, in accordance with Local Rule 16.1.

**6. CERTIFICATIONS**

The undersigned counsel hereby certify that they have conferred with their clients with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution programs. The parties have submitted, or will submit, separately the certifications required by Local Rule 16.1(D)(3).

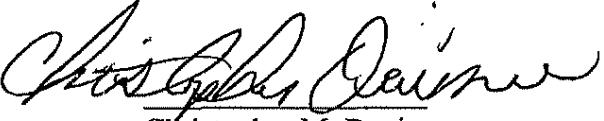
WHEREFORE, Plaintiff and Defendant respectfully request that the Court approve their Proposed Pretrial Schedule and Discovery Plan, with such amendments as the Court deems just and proper.

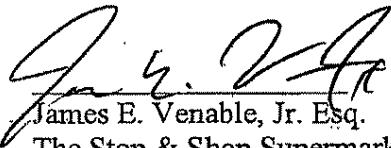
Respectfully submitted,

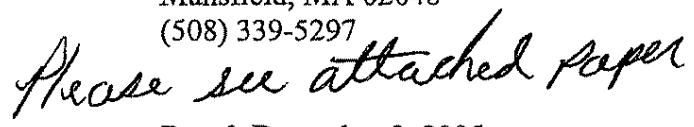
PLAINTIFF,  
CHRISTOPHER M. DEVINE

DEFENDANT,  
THE STOP & SHOP SUPERMARKET  
COMPANY LLC

By its attorney,

  
Christopher M. Devine  
6 Morgan Rd.  
Mansfield, MA 02048  
(508) 339-5297

  
James E. Venable, Jr. Esq.  
The Stop & Shop Supermarket Company LLC  
1385 Hancock St.  
Quincy, MA 02169  
(617) 770-6015

  
Dated: December 9, 2005

**CERTIFICATE OF SERVICE**

I, James E. Venable, hereby certify that on this 9th day of December, 2005, a true copy of the foregoing document was mailed, postage prepaid, to Plaintiff, Christopher M. Devine, 6 Morgan Rd, Mansfield, MA 02048

James E. Venable, Jr.